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December 8, 2022

VIA ECF

Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *C.C.M.S. v. Oxford Realty & Holdings, LLC*, No. 20-cv-03429 (NRB)

Dear Judge Buchwald:

On behalf of plaintiff C.C.M.S. d/b/a Community Counseling and Mediation Services, and on behalf of the parties in the above-captioned action, I submit this joint letter concerning the status of the case.

Since the parties' updates on September 6, 2022 and September 9, 2022, the parties have completed document discovery but were unable to schedule depositions prior to the fact discovery deadline of November 18, 2022 due to defense counsel's unavailability. However, the parties subsequently scheduled and confirmed the following depositions which will take place in person or virtually in the next two weeks:

- Deposition of Plaintiff's President Emory Brooks on Thursday, December 8
- Deposition of Third-Party Nigel Shamash on Friday, December 16
- Deposition of Defendant F. Michael Conte on Monday, December 19

For this reason, the parties respectfully request an extension of the fact discovery deadline until January 6, 2023. The Plaintiff has also noticed the depositions of the remaining defendants Maxime Touton, Joseph Grill, and Marc Paturet, as well as an additional third-party witness, however, defendants have argued that these depositions would be duplicative of Mr. Conte's deposition. As a compromise, the Plaintiff has agreed to reconsider the need for these depositions following completion of Mr. Conte's deposition on December 19, and to the extent the Plaintiff still intends to depose any of the remaining defendants or third-party witness, the

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parties have agreed to schedule these depositions beginning the week of December 26, 2022 through January 6, 2023.

At this time, the Plaintiff does not anticipate disclosing an expert witness but remains open to retaining an expert subject to defendants' deposition testimony. Provided that Your Honor grants the parties' request for an extension, the parties will file another joint status update after all depositions are completed or by January 13, 2023 at the latest. At that time, the Plaintiff will inform Your Honor whether expert discovery is necessary.

Respectfully submitted,

/s/ Tara E. Turner

Tara E. Turner
Associate

cc: All counsel of record via ECF